



**SO ORDERED.**

**SIGNED** this 15 day of September, 2009.

  
J. Rich Leonard  
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
WILSON DIVISION**

**IN RE:**

**CASE NO.**

**NATIONAL GAS DISTRIBUTORS, LLC,**

**06-00166-8-JRL**

**DEBTOR**

**RICHARD M. HUTSON, II, Trustee for National  
Gas Distributors, LLC, f/k/a Paul Lawing, Jr.,  
LLC,**

**ADVERSARY PROCEEDING NO.**

**Plaintiff**

**06-00267-8-AP**

**v.**

**THE SMITHFIELD PACKING COMPANY,  
INCORPORATED, f/k/a Gwaltney of Smithfield,  
Ltd., successor in interest by merger to The  
Smithfield Packing Company, Incorporated,**

**Defendant.**

**ORDER**

Pursuant to E.D.N.C. LBR 9019-2, it is ORDERED that the above-referenced case be referred to a mediated settlement conference, which shall be held on or before December 31, 2009.

Pursuant to E.D.N.C. LBR 9019-2(2), the parties have the right to select their own mediator by agreement. If the parties agree upon the selection of a mediator, the plaintiff shall file with the court a notice indicating the name, address, and telephone number of the mediator selected, the rate of compensation of the mediator, and including a statement that the mediator and the parties have agreed upon the selection and rate of compensation. This notice shall be filed with the court within ten days of the entry of this order.

If the parties cannot agree upon the selection of a mediator, the plaintiff shall submit a motion for court appointment of a mediator, including a statement that the parties and their attorneys discussed the selection of a mediator and are unable to agree. This motion shall be filed with the court within ten days of the entry of this order.

In the event a mediator is appointed by the court, upon motion of the plaintiff, the mediator shall be compensated at the rate of \$200.00 per hour for time spent in the mediated settlement conference, to be billed in quarter hour segments. An additional flat fee of \$125.00 shall be paid to any court appointed mediator to offset administrative costs. All mediator fees shall be paid by the parties at the conclusion of the settlement conference, unless otherwise ordered by the court. Unless otherwise agreed to by the parties or ordered by the court, the costs of the mediated settlement conference shall be paid in equal shares by the parties.

All persons required by E.D.N.C. LBR 9019-2(4)(a) to attend the conference shall physically attend the entire mediated settlement conference until an agreement is reduced to writing and signed as provided by Rule 9019-2(4)(c) or an impasse has been declared, unless excused by the court or by the mediator with approval of all parties and attorneys.

The mediator shall be responsible for reserving a place and making arrangements for the conference and for giving timely notice of the conference to all attorneys, unrepresented parties and other persons and entities required to attend.

The mediator shall submit a Report of Mediator to the court which indicates the results of the conference within two weeks of the conclusion of the conference or upon the receipt of a copy of a written settlement agreement, whichever first occurs. The Report shall contain a statement about whether the action will be resolved by consent judgment or voluntary dismissal, which party will be designated to file the consent judgment or voluntary dismissal and shall identify any party, attorney, or insurance representative who was absent from the conference without permission. Unless confidential, the mediator shall attach the written settlement agreement prepared by the parties to the Report.

**END OF DOCUMENT**